

**ORDINANCE NO. 14-05**  
**INTRODUCTION DATE: 05-07-14**  
**ADOPTION DATE: 05-21-14**

**AN ORDINANCE AMENDING CHAPTER III (POLICE REGULATIONS), SECTION 3-4 (BRUSH, HEDGES AND OTHER PLANTS) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

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BE IT ORDAINED by the Township Committee of the Township of Millstone, County of Monmouth and State of New Jersey, as follows: (additions are underlined, and deletions are in ~~[brackets]~~):

**I**

Chapter III, Police Regulations, Section 3-4, Brush, Hedges and Other Plants, is hereby amended to read as follows:

**3-4 BRUSH, HEDGES AND OTHER PLANTS.**

**3-4.1 Cutting Brush or Hedges Near Roadways or Intersections; Notice to Owner or Tenant.** – No change.

**3-4.1A Removal of Hazardous Trees or Tree Limbs deemed an imminent threat to Roadways, Intersections or Municipal Property.**

The owner or tenant of any lands lying within the Township shall remove dead, diseased or otherwise hazardous trees or tree limbs that are deemed a threat to public property including roadways, intersections or municipal lands. The owner of the tree is determined by the location of the trunk of said tree. Where it is determined necessary and expedient for the preservation of public safety, within ten (10) days after notice, the owner shall cut and remove the same.

**3-4.2 Service of Notice.**

Such notice to cut and remove objectionable brush, hedges, hazardous trees or tree limbs and other plant life shall be given by the Township Administrator or his/her designee to the owner or tenant by registered mail or certified receipted mail to the last known post office address.

**3-4.3 Reserved.**

**3-4.4 Removal by Township and/or County.**

In the event of the failure of any owner or tenant to keep all brush, hedges and other plant life growing within ten (10') feet of any roadway, and within twenty-five (25') feet of the intersection of two (2) roadways, cut to a height of not more than two and one-half (2 1/2') feet or to remove hazardous trees or tree limbs after written notice thereof, the Township may proceed to cause the

cutting and removal of such brush, hedges, hazardous trees or tree limbs and other plant life under the direction of the Township Administrator or his/her designee.

### **3-4.5 Lien for Costs.**

In any case where the Millstone Township Department of Public Works or outside contractor has cut and removed brush, hedges, hazardous trees or tree limbs and other plant life, the Township Administrator or his/her designee shall thereafter certify to the Township Committee the cost thereof, and if the amount so certified is by resolution of the Township Committee determined to be correct and reasonable, the Township Clerk shall deliver a certified copy of the resolution to the Tax Collector. The amount so charged shall become a lien upon such lands from which the brush, hedges, hazardous trees or tree limbs and other plant life were cut and removed, and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as other taxes, and shall be collected and enforced by the Tax Collector in the same manner as taxes, as authorized by N.J.S.A. 40:48.2-26 and 40:48.2-27.

### **3-4.6 Violations and Penalties.**

Any person who shall refuse or neglect, after written notice as above set forth, to comply with the demands therein made with respect to the cutting of the foregoing for the preservation of the public safety of the citizens of the Township, within the period of time above set forth, shall, upon conviction thereof, be liable to a penalty not to exceed the five hundred (\$500.00) dollar fine, and each and every day in which the owner or tenant shall refuse or neglect so to cut the matter shall be and constitute a separate offense. The imposition and collection of any fine or penalty prescribed by this subsection shall not bar the right of the Township to collect the cost of the cutting of the brush, hedges, hazardous trees or tree limbs and other plant life, as hereinbefore specified; and the remedies shall be cumulative.

## **II**

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

## **III**

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

## **VI**

This Ordinance shall take effect upon adoption and publication according to law.

### **EXPLANATORY STATEMENT:**

This Ordinance requires the removal of hazardous trees or tree limbs by the property owner when said tree or tree limbs are deemed an imminent threat to roadways, intersections or municipal property.